

Application Serial No.: 10/673,986
Amendment and Response to October 6, 2005 Office Action

REMARKS

Claims 1-3, 5-11, and 17-18 are pending in the application. Claims 1, 17, and 18 are currently amended; claims 2, 3, and 8-10 were previously presented; claims 4 and 12-16 are canceled; and claims 5-7 and 11 remain unchanged from the original versions thereof. Claims 1, 17, and 18 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herein. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 112, 2nd Paragraph

Claims 1, 17, and 18 were rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's amendment of claims 1, 17, and 18 is not to be construed as an act of admittance or agreement with the rejection under 35 USC 112, 2nd paragraph.

In an effort to advance prosecution of the present application, claims 1, 17, and 18 are currently amended to address the rejection of same under 35 USC 112, 2nd paragraph. For example, claim 1 is amended to state, in relevant part, "providing for each of said plurality of communication devices, via a user interface, an aggregated view of data indicative of said availability information for each of said at least one media capability". Claims 17 and 18 are amended in a manner similar to claim 1. Thus, that which is claimed by Applicant is done so particularly and distinctly, without any indefiniteness.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 17, and 18 under 35 U.S.C. § 112, 2nd paragraph.

Application Serial No.: 10/673,986
Amendment and Response to October 6, 2005 Office Action

Claim Rejections – 35 USC § 102(e)

Claims 1-3, 5-11, and 17-18 were rejected as being anticipated by Yoakum et al., U.S. Patent No. 6,658,095 (hereinafter, Yoakum). This rejection is respectively traversed.

Regarding claims 1, 17, and 18, Applicant's claimed method, article of manufacture, and system relate to determining at least one media capability associated with each of a plurality of communication devices; determining availability information for each of the at least one media capability; and providing for each of the plurality of communication devices, via a user interface, an aggregated view of data indicative of the availability information for each of the at least one media capability. (See currently amended claims 1, 17, and 18) It is thus clear that Applicant claims (1) determining at least one media capability associated with each of the claimed plurality of communication devices, and (2) providing for each of the plurality of communication devices, via a user interface, an aggregated view of data indicative of the availability information for each of the at least one media capability. That is, the at least one media capability of the plurality of communication devices is determined and the availability information for each of the at least one media capability for each of the plurality of communication devices is provided.

In contrast to Applicant's claims, Yoakum is directed to a presence system that monitors and provides presence state information from a plurality of sources over a number of networked sites. (See Yoakum, Abstract and col. 2, ln. 31-48) It is noted that Yoakum is concerned with and discloses the state information bears on the presence or availability of the user. For example, Yoakum discloses, "An 'On-line' state indicates a user has logged onto a network, such as the Internet or a corporate Intranet, while an 'Off-line' state indicates no connection is currently active between the user and the presence engine. "Idle" status implies the user's system, although logged on, has not been active recently. (See Yoakum, col. 1, ln. 32-38)

However, Yoakum does not provide, at least, a disclosure (or even a suggestion) of a method, system, and article of manufacture regarding the claimed (1) determining at least one media capability associated with each of the claimed plurality of

Application Serial No.: 10/673,986
Amendment and Response to October 6, 2005 Office Action

communication devices, and (2) providing for each of the plurality of communication devices, via a user interface, an aggregated view of data indicative of the availability information for each of the at least one media capability. It is not seen where Yoakum discloses determining the media capability of the devices (i.e., "sources) in the Yoakum network. Instead, Yoakum discloses,

the presence applications 24 will subscribe to the presence service 20 to receive status updates for one or more users via the subscriber management logic 56. Based on the subscription, the presence service 20 will receive state information from the various devices, evaluate the state information to generate presence information using rules in the rules management logic 58, and deliver the presence information to the subscribing presence application 24. The device management logic 60 will control interaction with the various devices providing state information. Such control may include configuring the device to provide the state information in a specified manner and format. The provisioning logic 54 facilitates provisioning of the subscriber management logic 56, rules management logic 58, and device management logic 60. Provisioning may include establishing a profile for the user providing presence information. The profile will typically identify devices and their respective states to monitor, provide rules for evaluating the state information to generate the presence information, and identify individuals, systems, or applications authorized to receive the information. (emphasis added)(See Yoakum, col. 7, ln. 10-30)

It is noted that the above text was also particularly cited and relied upon by the Office Action. (e.g., col. 7, ln. 10- col. 8, ln. 57) However, in contradistinction to the statements and conclusions of the Office Action, it is clear that no determining of at least one media capability is disclosed or suggested by Yoakum. Further, referring to the explicit examples of Yoakum at col. 8, ln. 4-52 reveals that media capability of the devices therein (e.g., PC, mobile telephone, internet appliance, etc.) is not determined.

Applicant also emphasizes that Yoakum discloses, "[T]he rules typically define how to evaluate the state information and deliver the resultant presence information for each presence category. For each presence category, a user may establish rules to control how they should be contacted based on the state of one or more associated devices." (emphasis added) (See Yoakum, col. 7, ln. 59-61) Thus, it is also clear that Yoakum fails to disclose or suggest providing for each of a plurality of communication

Application Serial No.: 10/673,986
Amendment and Response to October 6, 2005 Office Action

devices, via a user interface, an aggregated view of data indicative of the availability information for each of the at least one media capability.

Accordingly, Applicant respectfully submits that claims 1, 17 and 18 are not anticipated by Yoakum. Furthermore, Applicant respectfully submits that dependent claims 2, 3, and 5-11 are also patentable over Yoakum for at least the reasons provided regarding claims 1. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1-3, 5-11, 17, and 18 under 35 USC 102(e), as well as the allowance of same.

CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5339.

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